

§ 25.219 [Reserved]**§ 25.220 Non-conforming transmit/receive earth station operations.**

(a)(1) This section applies to earth station applications other than ESV, VMES and 17/24 GHz BSS feeder link applications in which the proposed earth station operations do not fall within the applicable off-axis EIRP envelope specified in § 25.218.

(2) The requirements for petitions to deny applications filed pursuant to this section are set forth in § 25.154.

(b) If an antenna proposed for use by the applicant does not comply with the antenna performance standards contained in § 25.209(a) and (b), the applicant must provide, as an exhibit to its FCC Form 312 application, the antenna gain patterns specified in § 25.132(b).

(c) [Reserved]

(d)(1) The applicant must submit the certifications listed in paragraphs (d)(1)(i) through (d)(1)(iv) of this section. The applicant will be authorized to transmit only to the satellite systems included in the coordination agreements referred to in the certification required by paragraph (d)(1)(ii) of this section. The applicant will be granted protection from receiving interference only with respect to the satellite systems included in the coordination agreements referred to in the certification required by paragraph (d)(1)(ii) of this section, and only to the extent that protection from receiving interference is afforded by those coordination agreements.

(i) A statement from the satellite operator acknowledging that the proposed operation of the subject non-conforming earth station with its satellite(s) has the potential to receive interference from adjacent satellite networks that may be unacceptable.

(ii) A statement from the satellite operator that it has coordinated the operation of the subject non-conforming earth station accessing its satellite(s), including its required downlink power density based on the information contained in the application, with all adjacent satellite networks within 6° of orbital separation from its satellite(s), and the operations will operate in conformance with existing coordination agreement for its sat-

ellite(s) with other satellite systems, except as set forth in paragraph (d)(4) of this section.

(iii) A statement from the satellite operator that it will include the subject non-conforming earth station operations in all future satellite network coordinations, and

(iv) A statement from the earth station applicant certifying that it will comply with all coordination agreements reached by the satellite operator(s).

(2) A license granted pursuant to paragraph (d)(1) of this section will include, as a condition on that license, that if a good faith agreement cannot be reached between the satellite operator and the operator of a future 2° compliant satellite, the earth station operator shall accept the power density levels that would accommodate the 2° compliant satellite.

(3) In the event that a coordination agreement discussed in paragraph (d)(1)(ii) of this section is reached, but that coordination agreement does not address protection from interference for the earth station, that earth station will be protected from interference to the same extent that an earth station that meets the requirements of § 25.209 of this title would be protected from interference.

(4) Notwithstanding paragraph (d)(1)(ii) of this section, a party applying for an earth station license pursuant to this section will not be required to certify that its target satellite operator has reached a coordination agreement with another satellite operator whose satellite is within 6° of orbital separation from its satellite in cases where the off-axis EIRP density level of the proposed earth station operations will be less than or equal to the levels specified by the applicable off-axis EIRP envelope set forth in § 25.218 of this chapter in the direction of the part of the geostationary orbit arc within 1° of the nominal orbit location of the adjacent satellite.

(e)-(f) [Reserved]

(g) Applicants filing applications for earth stations pursuant to this section must provide the following information for the Commission's public notice:

(1) Detailed description of the service to be provided, including frequency